

Application No.: 10/656,012  
Amendment dated November 28, 2005  
Reply to Office Action dated October 26, 2005

### REMARKS

The Applicants request entry of the above Amendment and consideration of the application as amended.

By this Amendment the Applicants canceled claims 35 and 37-40 in response to the above referenced Restriction, and introduced new claim 41. No new matter was added.

If the Restriction is maintained, claims 21-26, 28-32, and 41 are now pending in this application.

#### Response to Restriction with Traverse

In the above-referenced Restriction, the Patent Office requested restriction to one of the following two inventions:

- I. Claims 21-26 and 28-32, drawn to spa sound wave guide, classified in class 004, subclass 541.1; and
- II. Claims 35 and 37-39, drawn to a method of providing sound to a spa occupant, classified in class 004, subclass 661.

The Applicants respectfully respond to this Restriction with traverse. As noted in a phone conversation with Examiner Phillips on November 8, 2005, the Applicants' undersigned Agent was surprised to receive such a restriction since the subject matter of inventions I and II had previously been examined together, that is, not subjected to restriction. For example, as shown in the Office Action made Final mailed May 4, 2005, independent claims 21, 29, and 35 and their dependents were examined without restriction. The corresponding present claims recite essentially the same subject matter, but with the limitation of allowed claim 34 (which was also examined, and objected to, in the Action of May 4, 2005).

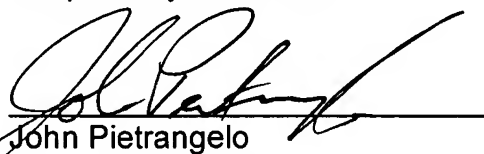
Application No.: 10/656,012  
Amendment dated November 28, 2005  
Reply to Office Action dated October 26, 2005

In view of the earlier examination of this subject matter without Restriction, the Applicants respectfully request that the above Restriction be withdrawn. However, to comply with the above Restriction, with the above amendment, the Applicants elect invention I for prosecution should the Patent Office chose to maintain the Restriction.

Applicants believe that the pending claims are in condition for allowance. An early and favorable action on the merits of the application is requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, the Applicants' undersigned Agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,



John Pietrangelo  
Agent for Applicants  
Registration No. 39,331

Dated: November 28, 2005

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579